MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : The date on which he went on leave?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Soon after the G. O. was received by the Excise Commissioner.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether in view of the importance of the question, Government will order for the expedition of the report?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Yes.

Qualification for Assistant Inspectresses and Head Mistresses of girls' schools.

91. **MRS. ANNA CHANDI** (*Nominated*) : Will the Government be pleased to state :

(*a*) whether there is any rule in the Education Department that B. A., L. T.'s alone can be appointed as Assistant Inspectresses and Head Mistresses of girls' schools ;

(*b*) if the answer to part (*a*) is in the affirmative, whether there are in service any Assistant Inspectresses who are not graduates, and if so, how many ;

(*c*) whether any undergraduate Head Mistresses were removed from their places as a result of the above rule ;

(*d*) whether the undergraduate Head Mistresses were deprived of the allowance they used to get ;

(*e*) whether the undergraduate Head Mistresses complained to the Government about the matter ; and

(*f*) if the answer to part (*e*) is in the affirmative, the action taken in the matter ?

MR. K. GEORGE (*Chief Secretary to Government*) : (*a*) Yes ; but the order does not affect the undergraduates who were working as Assistant Inspectresses of girls' schools at the time it was issued.

(*b*) Yes—three.

(*c*) Yes.

(*d*) The undergraduates who were Headmistresses of English middle schools for girls ceased to receive the local allowance they were drawing from the date of their replacement by trained graduates, as the allowance was not personal to them but was attached to the posts of Head Mistresses.

(*e*) Yes.

(*f*) The matter is under the consideration of Government.

Extension of concessions under the Land Assignment Rules to the members of the Minachil-Ramapuram Visvakarma Samajam.

92. **MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*) : Will the Government be pleased to state.

(*a*) whether they received any petition in Kumbham 1106 from the members of the Minachil-Ramapuram Visvakarma Samajam for extending to them the concessions allowed to the depressed classes under the Land Assignment Rules ; and

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Appendix II.—(A)

***Vide* Answer to Question No. 91**

Copy of report No. 145, dated 1-4-1108, from the District Magistrate, Quilon, to the Chief Secretary to Government.

With reference to the correspondence resting with your letter No. R. O. C. 1129 of 1932/Judl., dated 6th September 1932, re resolution put in by Mr. R. Raman Pillai and other members of the Sri Mulam Popular Assembly about alleged ill-treatment of prisoners in the Alleppey lockup in connection with the picketing movement, I have the honour to inform you that copy of the representation forwarded to me for reference contained the name of Mr. R. Raman Pillai alone of the signatories to the representation. On 9-10-1107, I wrote to Mr. Raman Pillai who is a respectable man in Quilon, a popular representative in various sessions of the Sri Mulam Popular Assembly and the President-Chairman of the Village Panchayat and Bench Magistrate's Court, Quilon, for a period, asking him to be present for the enquiry with the necessary evidence in support of the allegations. He sent me a reply under date 12-10-1107 that he was not in possession of any direct evidence in the matter and the representation was made on the strength of the statement made to him and other members of the Sri Mulam Popular Assembly by some other persons. A copy of his letter is enclosed. He was thus of no use to me in the enquiry.

2. In the meanwhile, I had posted the enquiry to be taken up at Alleppey on13-10-1107. The particulars of the persons arrested and charged in connection with the picketing were gathered from the records of the Alleppey Police station and Magistrate's Court, Ambalapuzha, and notices were issued to four among them, who were found to be residents of Alleppey, to appear before me on 13-10-1107. All of them accepted notices but only two appeared on that date and their statements were recorded. Thereafter, the enquiry was adjourned to 4-11-1107 to be conducted at Quilon and notices were issued to 26 other persons who were picket prisoners of which 16 were personally served on the parties concerned, 6 were served by affixture to their respective place of residence and the remaining four were returned unserved as the parties could not be known. Among the 16 who personally accepted service, only 8 appeared on the date *viz.*, 4-11-1107, and their statements were recorded. The enquiry was again adjourned to 16-11-1107 with a view to get the appearance of the six persons on whom the notices were not personally served. On that date too none turned up. But in the meanwhile a letter was received from Mr. K. Kumar, said to be the President of the Travancore District Congress Committee, under date 12-11-1107, enquiring about the nature of the enquiry and offering his assistance in it. I gave him a reply that the enquiry was in progress and that he should appear on the 30th Mithunam 1107 to give his evidence. The enquiry was adjourned to 30-11-1107. Nothing could be done on that day as I had to be away at Shencotta in connection with the Dewan's visit. The enquiry was accordingly taken up the

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next day *ie.*, 31-11-1107. Two persons were present on that day although four had accepted service of the notices. The statements of those two were recorded. Thus I closed the enquiry there as it appeard to me fruitless to wait on to get more of the persons although Mr. Kumar wrote to me a letter offering to produce more men if further time was granted.

In pursuance of the letter under reference asking me to allow the accused Policemen, constable No. 2102 Krishnan Nair, Head Constable Raman Pillai, writer Kesava Pillai and constable No. 2152 Mathew, to cross-examine the witness and take from them their version of the affair, I posted the enquiry to 19-2-1108 to be conducted at Alleppey in my Jamabandy camp and issued notices to those police men and the 6 witnesses whom they wanted to cross-examine. The accused policemen and witnesses Nos. 5,7 and 10 appeared in my camp and the witnesses were cross-examined. The enquiry was then posted to 6-3-1108. to be conducted at Quilon and notices were issued to the remaining 3 witnesses. Witness No. 6 alone appeared on that day and he was cross-examined by the accused policemen. Thereafter the enquiry was adjourned to 22-3-1108 and summonses were issued to the remaining two witnesses. The accused policemen were present on that day but the witnesses were not present and the enquiry was therefore adjourned to 29-3-1108 and bailable warrants were issued to those witnesses. One of them was present and he was cross-examined by the accused policemen. As the other witness was reported not to be at the place but undergoing imprisonment in Karnool prison the enquiry in regard to the cross-examination was closed there and the accused policemen were asked to explain the charges levelled against them and their explanations were obtained in the matter.

3. It will be seen from the above that 12 of the picket prisoners have been examined of whom five were cross-examined by the accused policemen. These prisoners are (1) Raman Pillai Vasudevan Pillai aged 14 of Illikal veettil, Thondankulangara, Alleppey, (2) Sankaran Velu, aged 35 of Mundupalakal residing at Kattungal, Punnapra, Alleppey, (3) Ramakrishna Pillai Gopala Pillai, aged 25 of Kottapallil, Aymalikizhakummuri, Omallur, (4) Narayana Pillai Sankara Pillai aged 33 of Pandavattu veedu, Pallana muri, Thrikunnapuzha, (5) Aiyappan Damodaran aged 20 of Pattomparambil, Pallana, (6) Krishna Pillai Krishna Pillai aged 28 of Koipanal Veedu, Omallur, (7) Narayanan Krishnan aged 19, of Chenkanda veetil, Shertallai, (8) Krishna Panikar Sivarama Panikar aged 18 of Vettavakottu, Haripad, (9) Sankara Pillai Patchu Pillai aged 28 of Puthen Veetil, Mullakal, Alleppey, (10) Krishna Pillai Gopala Pillai aged 19 of Pazhayakoikal, Vettiyar, Mavelikara, (11) K. Kumar aged 36 of Vedakkeythazhayamannil Elan thoor, Pathanamthitta, and (12) Parameswaran Nair Krishnan Nair aged 22, of Kottapuzhakal, Kadapra, Tiruvella. Of these, Nos. 5, 6, 7, 10 and 12 had been cross-examined. These witnesses had been convicted for some offence or other in connection with picketing.

4. Witnesses Nos. 1 and 2 referred to above who gave the statements before me have no information of any ill-treatment alleged

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to have been made within the lockup. Their statements are therefore of no use. Witness No. 3 has stated that he was arrested on 13-7-1107 at about 4 o'clock and taken in a car to the Police station, Alleppey, where in the presence of the Police Inspector, himself and his friend, another arrested person, were abused and belaboured. The Police Inspector at the time appears to be Mr. Kayyalam Paramesvaran Pillai. He (witness) has also stated that the next morning when they were taken out of the lockup for morning wash some constables belaboured and threatened to kill them if they would not apologise. The companion referred to by the witness is one Sundaresvaran Pillai who was also arrested the same day for the same offence. A notice was served on that man also in connection with the enquiry but he did not appear. Witness No. 4 states that he has had absolutely no trouble from the police when he was in the lockup, but states that his co-prisoner used to tell him when they were in the lockup along with him that the Police constables especially one Krishnan Nair (P. C. No. 2102) of Mavelikara gave them much trouble. He was however no eye witness to any such thing. Witness No. 5 is an Ezhava of 20 years of age. He has been cross-examined by the Policemen. He deposes that on 10-7-1107 when he was picketing a shop he was arrested by a few policemen and taken to the police station, given two kicks on his chest and 3 or 4 blows on his back and then put into the lockup. He has also stated that Head Constable Raman Pillai also kicked him. This sort of behaviour is stated to have continued the next day also from other constables, for example, writer Kesava Pillai. He further states that he was harassed and beaten by other prisoners under instructions from the abovesaid Head Constable and P. C. 2102 Krishnan Nair. Witness No. 6 has stated that himself and his companion, one Ganapathi Pillai, suffered mostly at the hands of P. C. 2102 and also from other constables, for example Mathew. This Ganapathi Pillai has not turned up for the enquiry as per notice accepted by him. Witness No. 7 has stated that he and his companion suffered various sorts of ill-treatment when in the lockup at the hands of the Police, Police Constables Mathew, Krishnan Nair and Head Constable Raman Pillai are named by the witness. Witness No. 8 is a Nair youth of 18 years of age. He has stated that he has had severe torture at the hands of the Police while in the lockup mainly from Head Constable Raman Pillai and constable Krishnan Nair and also from writer Kesava Pillai. Witness No. 9 does not say that he has had any direct knowledge of any ill-treatment at the hands of the police within the lockup. Witness No. 10 is Krishna Pillai Gopala Pillai a youth of 19 years. He has stated that himself along with witnesses Nos. 5, 7 and 8 had torture at the hands of the policemen chiefly from police constable Krishnan Nair, Mathew and writer Kesava Pillai. Witness No. 11 is Mr. K Kumar, President of the Travancore Congress Committee. His statement contains only hearsay information and he has stated that he has had no sort of trouble from the police. Witness No. 12 also has stated that he suffered considerably at the hands of the Police, especially from P. C. 2102, Krishnan Nair.

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5. I shall now deal with the evidence in greater detail. The point referred to for enquiry is in regard to the alleged ill-treatment of picket prisoners in the lockup at Alleppey. From the preceding paragraph it will be seen that witnesses Nos. 3, 5, 6, 7, 8, 10 and 12 have actually suffered at the hands of the police. Witness No. 3 says that he was arrested twice, the first was on 9-7-1107, when he was let off soon after his arrest and had not to remain in the lockup. It was at 4 P. M. on 13-7-1107 that he was arrested for the second time when he states that he was taken to the police station and kept under custody. According to him, himself and one Sundaresan were arrested together and produced before the Police Inspector at the Police Station, a few constables mustered round them, had their clothings removed and abused them. The Police Inspector too joined in abusing them. Constable Kurian belonging to Chengannur gave him a fist on the back and abused him in the most indecent and vulgar language. His companion also had the same treatment. It was thereafter that both of them were put up in the lockup. On the next morning when they were taken out for wash they were kicked and beaten by some of the policemen and threatened even to be killed if they would not apologise before the court. He did not make any complaint before the magistrate fearing further troubles from the police.

Witness No. 5 states that himself and Krishnan of Shertallai (witness No. 7) were arrested on 10-7-1107. Soon after taking them to the Police Station, P. C. No. 2102, Krishnan Nair, gave them two kicks on the chest and three or four fists on the back and put them in the lockup. Next morning when they were taken out Head Constable Raman Pillai gave both of them kicks on their hips (തട) with his boots. They were then taken to the Ambalapuzha Magistrate's Court and convicted and brought back to Alleppey in the evening. When they were taking meals then at 5.30 P. M. Head Constable Raman Pillai gave the witness two further kicks and another kick at the time of finishing his meal. Some days after, writer Kesava Pillai and another gave him and Sivarama Paniker a blow on the cheek and a fist each on the back. Besides the above, constable Krishnan Nair and Head Constable Raman Pillai used to make other prisoners in the lockup scold them and attempt to commit unnatural offences on him. He did not make any complaint either to the Police Inspector or the Magistrate as he could not get an opportunity for the same.

Witness No. 6, Krishna Pillai Krishna Pillai, was arrested on 12-7-1107 and taken to the Police station. Ten minutes after, constable Krishnan Nair came and gave a series of blows to his companion Ganapathi Pillai arrested along with him. Then constable Krishnan Nair approached the witness gave him a sound slap on the cheek over the ears and three or four fists on the chest. Thereafter the constable put his (witness) head between the constable's legs and fisted him heavily on back which made the witness pass out some urine and stools. The witness lay down at the spot for sometime when constable Mathew approached and kicked him on his sides near the 6th rib (ആറാമത്തെ വാരിയെല്ല്).

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At 8 P. M. he was given food which was very bad. Next morning also when the witness was taken out along with Ganapathi Pillai they were troubled. He did not represent the matter either to the Police Inspector or the Magistrate.

Witness No. 7 Narayanan Krishnan was arrested on 10-7-1107 along with another picketeer, Damodaran (witness No. 5). They were taken to the Police station and seated below the tree on the northern side of it. Then constable Mathew called the witness and when he turned in response to it, the constable spat him on the face and abused him in the most vulgar manner. At 6 P. M. he was taken to the station. There constable Krishnan Nair of Mavelikara gave the witness and the companion slaps on the cheeks. Next morning when they were taken out, constable Krishnan Nair and Head Constable Raman Pillai made the witness bend forward and kicked him on the back. On return from Ambalapuzha Magistrate's Court after conviction, Head Constable Raman Pillai tortured him for not having apologised before the court. In the lock-up the other prisoners were made to fist him and his companion. Constable Krishnan Nair made the K. D's in the lock-up to pull the witness's lips. So also the next day constable Mathew kicked him on the back and constable Krishnan Nair caught hold of the witness's tuft and fisted him so heavily that the witness even passed stools. On the 16th morning when they were taken out constable Krishnan Nair saying that he wanted to take the weight of the witness lifted the witness and threw him on Gopala Pillai (witness No. 10). This witness also did not represent these things either to the Police Inspector or the Magistrate as he could not get an opportunity for the same.

Witness No. 8 says that he was arrested on 10-7-1107 along with his friend Padmanabha Pillai and taken to the lock-up. At 11 P. M. that night Krishnan Nair P. C. 2102 woke the witness up from his sleep by passing a stick through the iron bars and gave blows on his head and cheeks, the constable standing outside the lock-up. The next morning the witness was severely beaten. The same day the witness and his friend Padmanabha Pillai were taken to the Ambalapuzha court where they were convicted and taken back to Alleppey lock-up. He says that the Police used to beat them since also. Some days after writer Kesava Pillai tortured the witness and his companion alleging that they made noise. He adds that he was put in a room along with two K. D's that Head Constable Raman Pillai of Keerikad forced these K. D's to beat the witness and his companion and attempt to commit on them unnatural offence. The K. D's pulled down their lips (witness) and the friend Damodaran (witness No. 5).

Witness No 10 was arrested on 15-10-1107 and taken to the Police station. No sooner than he reached the Police station was he seated in a corner by Constable Krishnan Nair, when constable Mathew 2152 approached him and gave him a sound kick on the left shoulder. After another 30 minutes constable Krishnan Nair, with 5 or 6 constables with him, approached the witness caught hold of his tuft and

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placed his head between the constable's legs and gave him four or five fists on his back. After releasing the head, Krishnan Nair gave the witness a blow on each cheek and retired along with his friends. On the morning of the 16th, constable Krishnan Nair, saying that he wanted to weigh Shertallai Krishnan (witness No. 7), took him and threw him over the witness. He has also stated that he has seen one day writer Kesava Pillai entering the lock-up and beating witness No. 8 and one Padmanabhan who has not been examined. This witness also did not represent about the troubles either to the Magistrate or anybody else.

Witness No. 12 was arrested on 2-7-1107 along with a friend of his but he alone was taken up to the lock-up. The next day morning constable Krishnan Nair approached the lock-up door and asked the witness to stand close to the door. The constable put his hands through the bars caught hold of the witness' tuft and gave him blows on the cheek. After half an hour he (witness) was pushed behind. At 8, the next morning he was taken out of the lock-up and taken to the latrine where the other prisoners were made to give him blows abuse him indecently and to catch hold of his lips. When those prisoners were so beating, constable Krishnan Nair getting dissatisfied with their mode of beating approached the witness, caught hold of his tuft made the witness bend and placed the witness's head between the constable's legs and gave kicks on the witness's back. Constable Krishnan Nair gave him blows when he was returning to the lock-up and when he was shifted to another room of the lock-up. He states that he represented the troubles he had to the Magistrate, Ambalapuzha, to which the Magistrate is said to have replied that the witness could be treated if he had any marks of violence on his body. He has also stated that the District Superintendent of Police and the Inspector of Police, Mr. Kayalam Parameswaran Pillai, were present when he represented these facts to the Magistrate and that when he was brought out of the court they asked the witness whether his statement was correct and that he told that constable Krishnan Nair beat him.

6. The witnesses, who have had ill-treatment, were cross-examined except No. 8 Sivarama Panikar who is not available for the purpose. The explanations of the accused policemen have also been obtained. Their explanations would go to show that the allegations are not true, that they were trumped up at the instance of the congress committee, that the witnesses have not complained of these facts then and there either to the Police Inspector, Magistrate or the Medical Officer or other Departmental superiors who had occasion to visit the lock-up, that these persons were not allowed greater freedom than other ordinary prisoners and that these allegations are set up as the result of after thought.

The point referred to for enquiry is as to the ill-treatment done against the prisoners while in the lock-up. As such no independent evidence can be obtained or tendered by the prisoners concerned. The ill-treatment, if any, as alleged by the witnesses, was done at a place where no other persons have access. As it is said to have been done

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within the lock-up where the prisoners have no sort of freedom and under the control of the Police it is quite possible that they would, as put forward, hesitate to complain against the ill-treatment meted out to them by the Police.

7. From the statement summarised in the preceding paragraphs it will be seen that all except witness No. 8 have complained against the conduct and behaviour of P. C. No. 2102 Krishnan Nair. That this constable has been beating the picket prisoners has been told by all of them. They have not, any of them except No. 12, represented their troubles before the court. I have myself enquired of it through other sources, asked the District Superintendent of Police, Mr. Daniell, and made a reference to both the Division First Class Magistrate, Alleppey, and Stationary Magistrate, Ambalapuzha. All these three officers state definitely that they had no sort of complaint from any of the picket prisoners. I cannot therefore afford to believe the statement of witness No. 12 in that respect. At the same time I should think that the conduct of the constable No. 2102 Krishnan Nair was not what it should be. Although it is not possible to procure more evidence in a matter of the kind the conduct of the constable deserves notice.

8. Head constable Raman Pillai has evidently been a party or at least a witness to the misdeeds of the constables. His conduct also deserves notice.

9. Writer Kesava Pillai has been responsible for one incident for having beaten two of the picket prisoners on the alleged ground of having made noise in the lockup for which his conduct also deserves notice.

10. The other constable whose name is mentioned by the witnesse is P. C. No. 2152 Mathew, against whom witness Nos. 6, 7 and 10 speak. His conduct also deserves notice. Then there remains one constable Kurien against whom witness No. 3 alone speaks. His number has not been mentioned by the witness. His explanation has not therefore been taken in the matter.

11. The statement given by witness No. 11, Mr. Kumar, who states that he is the President of the organisation called 'The Travancore District Congress Committee' deserves mention although admittedly he was no eye witness to any of the incidents. Reference is made in his statement to one Raghavan Pillai, Hindi Master, which is supported by the statement of witness No. 10. The statement of the latter also is indirect in as much as he has stated that the information was given to him in the capacity of the Publicity Officer to the organisation to which he belongs by his interested companions. There is nothing dependable to support the information, as obtained by them, as such will be and are often found either concocted or exaggerated. The allegations are that Hindi Master Raghavan Pillai was arrested and taken to the station, beaten heavily by the Police men, including the District Superintendent of Police. The records of the station and the

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court do not show that Raghavan Pillai was arreestd at all. I asked Mr. Daniell, the District Superintendent of Police, about his knowledge of the matter. He told me that nothing of the sort had happened. I cannot therefore afford to believe the mere statement given by witnesses Nos. 10 and 11 on the information obtained by them from indirect sources. Another point to which the statement of witness No. 11 refers is that Krishnan Nair witness No. 12 complained to the Ambalapuzha Magistrate when he was produced before the court that he was belaboured by policemen. The witness (Kumar) states that he was also present at that time. Krishnan Nair, witness No. 12, has in his statement said that he represented the matter to the Magistrate and that the Magistrate replied that he would be sent to the Hospital if marks of violence could be shown on his body. As already stated above, I made a reference to the Stationary Magistrate, Ambalapuzha, and Division First Class Magistrate, Alleppey, asking them to report if they received complaint about police ill-treatment and that they have reported that they did not receive any complaint, verbal or written, or had any occasion to notice any marks of violence on any of the picket prisoners. Copies of the reports are enclosed. I have no reason to disbelieve these reports.

12. In conclusion, I beg to state that from the evidence on record and enquiries made by me, I am led to think that there was some sort of ill-treatment at the hands of the subordinate Police men especially from those referred to in paragraphs 7 to 10 supra. In the absence of independent corroborative evidence, for which, as I said above, there is no possibility, in the circumstances of the case, it is not easy for me to definitely say that such and such a man committed particular acts. I feel morally convinced from the circumstances of the case that of the four Police men, constable No. 2102 Krishnan Nair is the worst sinner.

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